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**FISCAL IMPACT STATEMENT**

**LS 6880**

**BILL NUMBER:** HB 1283

**NOTE PREPARED:** Jan 11, 2012

**BILL AMENDED:**

**SUBJECT:** Libraries and Historic Records.

**FIRST AUTHOR:** Rep. Richardson

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** *Library and Historical Board-* The bill make changes to the qualifications of certain members of the Library and Historical Board (L&HB). The bill repeals laws authorizing the L&HB to apportion the duties of employees to work for various divisions. The bill requires the L&HB to make policies, instead of rules, for the library department and its divisions.

*Council on Library Automation-* The bill repeals the Council on Library Automation (CLA).

*Statewide Library Card Program-* The bill repeals: (1) the requirement that the state library develop a statewide library card program; and (2) the statewide library card program fund.

*Standards-* The bill allows the L&HB to establish standards for: (1) eligible libraries to receive state or federal funds; and (2) library automation.

*Policies Instead of Rules-* The bill requires the L&HB to establish policies, instead of rules for: (1) loans; (2) fees for lost or damaged materials; and (3) third party fees for certain copyright material.

*State Library Advisory Council Meetings-* The bill allows members of the State Library Advisory Council to participate in meetings through means of communications that meet certain requirements.

*Historical Bureau Commemorative Medallions-* The bill repeals the requirement that the Historical Bureau maintain and sell certain commemorative medallions and other items.

*State Format Markers-* The bill specifies that state format markers installed after 1945 and markers installed

by the Indiana Civil War Centennial Commission are the property of the state.

*George Rogers Clark Commemoration-* The bill requires that the Historical Bureau shall commemorate George Rogers Clark. (Current law requires that the memory of George Rogers Clark must be celebrated.)

*Public Records Commission-* The bill adds electric media to the definition of "record" for purposes of the public records law. The bill requires the Public Records Commission (PRC) to coordinate the use of all scanning equipment in state government.

*County Commission on Public Records-* The bill requires the county commission of public records to implement retention schedules for use by local government officials as part of a records management program for local government public records not more than 30 days after adoption by the Oversight Committee on Public Records. (Current law requires the County Commission of Public Records to adopt retention schedules at the first meeting of the County Commission after the Commission receives the retention schedule.)

*Policy for Free Library Services-* The bill removes the policy that public libraries provide free library services for all individuals.

*Trustees Paying Cost of Library Cards-* The bill repeals the law allowing certain township trustees to pay the cost of a library card for certain residents.

*Class 1 Libraries-* The bill removes an application of prior statutes provision from Class 1 library law. The bill provides that four members of a Class 1 library constitute a quorum. The bill makes changes to the list of persons who may use and be issued library cards at a Class 1 library. The bill requires the disposal of personal property at a Class 1 library to comply with certain requirements.

*Pay Fee for Card Under Reciprocal Borrowing-* The bill requires a fee to be paid for a library card issued by certain municipal residents under a reciprocal borrowing agreement.

*Repeals Merger Requirements for Libraries in Consolidated Cities-* The bill repeals certain merger requirements for libraries located in consolidated cities.

*Changes to Class 1 Libraries Expansion Procedures-* The bill makes certain changes to the procedure to expand Class 1 libraries.

*Persons Using Class 2 Library Cards-* The bill makes changes to the list of persons who may use and be issued library cards at a Class 2 library.

*Library Service Authorities-* The bill repeals laws concerning library service authorities.

*Changes Duties/Procedures for Complaints-* The bill changes the duties and procedures for the investigation and resolution of complaints by the library certification board.

*Conforming and Technical Changes-* The bill makes conforming changes. The bill makes technical changes.

**Effective Date:** July 1, 2012.

**Explanation of State Expenditures:** *Council on Library Automation-* The Council of Library Automation has not met since the early 1990's. Given that libraries now have an electronic catalog system, the Council has been rendered obsolete. This repeal would have no impact on the State Library's expenditures.

*Statewide Library Card Program-* The repeal of the statewide library card program and fund would present a savings of administrative time to the State Library, if State Library staff no longer had to process receipts and pay outs to local libraries. The program was designed to compensate libraries that make out-of-state materials loans during a year. As of December 31, 2011, the program fund had a free balance of \$187,992.

*Standards-* The provision would give the L&HB the ability to establish standards. The L&HB has already adopted standards such as the Evergreen online catalog. The provision would not affect the day-to-day operations of the Library Board to adopt standards or the State Library to carry out their duties.

*Policies Instead of Rules-* The L&HB has adopted rules in the past within their regular assigned duties under current law. The adoption of policies instead of rules would likely not change any of the day-to-day operations of the L&HB.

*State Format Markers-* This provision would have an indeterminable affect on state expenditures. If more markers were subject to routine maintenance under this provision, the historical marker program would see an increase in expenditures. Under current law, use of the program's funds must be approved by the L&HB. The state Historical Marker Program Fund had an available balance of \$10,814 on December 31, 2011.

*State Library Advisory Council Meetings-* The meetings of the Advisory Council would be allowed to use any means of communication by which all members of the council participating and members of the public in attendance at a meeting can simultaneously hear each other during the meeting. Under current law, the members of the Advisory Council were allowed to receive reimbursement for travel and other expenses incurred from the member's service from non state sources. However, the bill would eliminate any funding for travel and other expenses incurred by a member of the Council.

*Public Records Commission-* The Oversight Committee on Public Records (OCOPR) would have the authority to approve utilization of scanning equipment, such as copiers, in state government. The OCOPR has the authority to utilize all micrographics in state service. The provision would allow the OCOPR to be able to determine if scanning equipment in the state is meeting the legal requirement for retention of public documents. The provision would likely minimally impact the OCOPRs daily operations.

*Changes Duties/Procedures for Complaints-* This provision would have little impact on state expenditures. The Attorney General would still be available upon request of the L&HB with respect to investigations of librarians. The Director of the State Library (DSL) would continue to have the authority to investigate complaints as under current law.

### **Explanation of State Revenues:**

**Explanation of Local Expenditures:** *County Commission on Public Records-* This provision would likely be able to be accomplished within the normal operating schedules of the county commissions of public records.

*Trustees Paying Cost of Library Cards-* This provision would have unknown amount of savings to trustee funds in Adams County.

*Changes to Class 1 Libraries Expansion Procedures-* This provision would ensure that an expansion of a library district could occur by either the legislative body passing a resolution, or by use of the petition and remonstrance process as allowed under current law.

*Library Service Authorities-* This provision would have no impact on existing libraries. Library services authorities ceased to exist as an Indiana entity when the INCOLSA (the only library services authority in the state) merged with a similar entity in Michigan in 2010 to form the Midwest Collaborative for Library Services (MCLS). Therefore, current law no longer applies to the MCLS.

**Explanation of Local Revenues:** *Summary: Library Cards-* Libraries (Class 1 and Class 2) would be able to issue library cards to individuals that reside outside of Indiana and are being served through an agreement under the state's Interstate Library Compact. The amount of revenue these cards may generate would depend on individual library action.

*Class 1 Libraries-* With respect to the disposal of personal property, this provision could allow Class 1 libraries to sell additional surplus items to the public. The amount of revenue this provision could generate is unknown, and would depend on Class 1 library action.

*Pay Fee for Card Under Reciprocal Borrowing-* This provision would require any future contracts made by libraries to provide that for each local library card issued to an individual that resides or owns property within the boundaries of the contracting municipal corporation, a fee equal to the minimal amount that may be charged under current law that would have to be paid by the individual cardholder, the contracting municipality, or both. Some exceptions are provided. This provision would have an indeterminable impact on local library revenues.

**State Agencies Affected:** Indiana State Library.

**Local Agencies Affected:** Class 1 & 2 public libraries.

**Information Sources:** Roberta Brooker, Director Indiana State Library, Midwest Collaborative for Library Services Annual Report 2010.

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